

Zone Text Change Analysis
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ZT-3-2009, Off Street Parking Ordinance (Surfacing)
West Valley City
3600 Constitution Boulevard
West Valley City, Utah 84119

Purpose

This Zone Text Change is proposed to modify the existing surfacing ordinance to better specify the various surfacing options, to potentially expand those options to a wider range of West Valley City residents, and to give the Code Enforcement Division better guidelines to enforce compliance. This Zone Text Change affects Section 7-9-115 (Surfacing) of the West Valley City Code.

Background

In 2005, the surfacing ordinance was modified to require the off-street parking for most residences in West Valley to be hard surfaced. Homes with gravel driveways that did not meet the various exceptions as of the effective date of the existing ordinance are required to come into compliance by June 1, 2010. Since April 2009, residents have expressed their concern about the existing ordinance and the compliance deadlines at the comment periods at various City Council public hearings. While most of the residents who spoke at the hearings expressed a desire to relax the surfacing standards to allow gravel driveways and/or to rescind the compliance deadline, there was also a vocal opposition expressed against gravel driveways, mainly for aesthetic and maintenance considerations. At its study session on May 9, 2009, the City Council directed staff to recommend changes to the surfacing ordinance and present them to the Planning Commission for a recommendation to the City Council.

Application

West Valley City Staff is recommending a proposed new surfacing ordinance that consists of five sections. A copy of the draft ordinance is attached to this report.

Section 1

The first section mandates that all off-street parking spaces, driveways, and maneuvering areas shall be paved and permanently maintained with a hard surface, with the following possible exceptions:

1. **Agricultural.** Parcels of at least ½ acre on which an agricultural use occurs will be allowed to have a gravel driveway, provided it leads to a garage, accessory building, or properly located parking area.
2. **Residences built prior to March 30, 1988.** Parcels built before this date may use a gravel driveway for all off-street parking; however, if the home is significantly expanded, resulting in a 25 percent increase in floor area or if a new garage is constructed, the minimum required parking must be replaced with a hard surface. The date chosen is the effective date of the first ordinance to mandate hard surfacing in parking areas.
3. **Residences within the Mountain View Corridor Alignment** will not be required to replace their gravel driveways and parking areas with a hard surface.
4. **All Residences.** All residences will be required to maintain a hard surface for the minimum required area for driveways and parking, but additional parking in the front, side, or rear yard

can be gravel. No more than 40 percent of a front yard in a typical West Valley City home may be hard surfaced or gravel for use as parking.

5. **Heavy Equipment in Manufacturing Zones** may be parked on gravel. Heavy equipment uses will be evaluated for their impact on City streets, neighboring properties, and the subject property.
6. **Recreational vehicle parking** may be accessed through landscaping.

Options 2, 3, and 4 are essentially new language, whereas 1, 5, and 6 are slight modifications of language in the existing ordinance.

Section 2

Section 2 of the proposed ordinance specifies additional surfacing standards for parking areas in single family dwelling or duplex lots, using language from the existing ordinance. Section 2 clarifies that gravel used for parking, driveways, and maneuvering areas will not be counted toward the maximum allowable mineral groundcover in landscape areas.

Section 3

This section establishes standards for concrete, brick, or stone pavers used for driveways, parking, and maneuvering areas.

Section 4

This section establishes standards for gravel used in driveways, parking, and maneuvering areas.

Section 5

Section 5 is language from the existing ordinance, mandating that parking is not allowed in landscaped areas.

Issues

The Planning Commission will act as a recommending body and will forward a surfacing ordinance to the City Council. The surfacing issue is controversial. Some residents expressed concern about the costs of replacing a gravel driveway with asphalt or poured concrete, and that the compliance deadline is an onerous burden on residents, particularly those with limited incomes. Residents have also stated that, especially with respect to agricultural uses, gravel driveways are appropriate, ideal for flood irrigation and drainage, and can be an aesthetically pleasing feature on a property.

Other residents expressed concern about the appearance and maintenance of existing gravel driveways, and raise the issue of fairness for those who have gone to the expense of coming into compliance with the existing ordinance. Furthermore, the Code Enforcement Division is overwhelmed with compliance cases driven in part by vague and poorly-specified language in the existing ordinance.

The intent of the proposed ordinance to give the Planning Commission a wide range of options as it prepares to make a recommendation to the City Council. Additionally, sections 2 through 5 augment the language in the existing ordinance to give the Code Enforcement Division stronger definitions and specifications to aid its enforcement efforts.

Staff Alternatives

1. **Approval**, a positive recommendation of this ordinance to the City Council. A recommendation for approval can include any or all of the options included in section 1 of the ordinance.
2. **Approval with further recommendations**, a positive recommendation of this ordinance to the City Council with suggested changes as determined through the public hearing.
3. **Continuance**, to complete further research and/or resolve any questions.
4. **Denial**, a negative recommendation of this ordinance to the City Council for reasons determined through the public hearing.

Attachments

1. **Draft Surfacing Ordinance**
2. **Minutes of recent public comments and City Council Work Meetings pertaining to surfacing.**